Appl. No. 09/663,551
Amdt. dated February 11, 2004
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

REMARKS/ARGUMENTS

This response is filed in reply to the office action mailed on October 21, 2003. Claims 1-19 are currently pending in the application. Claims 1, 2, 14, and 19 are independent claims.

In the office action, the examiner objected to the previous claim amendments as adding new matter under 35 USC §132. Also, claims 1-19 were rejected under 35 USC §112, first paragraph under the written description requirement. In addition, claims 1-19 were rejected under 35 USC §112, second paragraph. The claims were rejected under 35 USC §103 in view of the combination of Torres (5,384,910) with Le Blanc (5,977,968).

35 USC §132 New Matter Issues and 35 USC §112 Written Description Issues

The office action objected to claims 1-19 as adding new matter under 35 USC §132. Furthermore, the office action rejected the claims under 35 USC §112 as failing to comply with the written description requirement. The claim language in question has been removed by this amendment.

The claims have been amended to recite reconfiguration of the graphical user interface **"without supplying an input to an application program controlled by said graphical user interface."** This language is supported by the specification. For example, at page 1, lines 10-16, a graphical user interface is described that interfaces with an application program. The graphical user interface directs the application program on how to perform its functions. As an example, a graphical user interface was described that can be used to control an audio program by directing the audio program on whether to play, fast forward, change tracks, etc. Furthermore, page 3, line 12 through page 4, line 29, teach an example of modification of the appearance of a graphical user interface to a user's preference. Thus, this discussion of the reconfiguration of the GUI clearly indicates to one of ordinary skill in the art that the GUI is reconfigured without supplying an input to an application program. This allows the GUI to be tailored in its appearance to that which is desired by the user.

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35 USC §112, Second Paragraph Issues

Claims 1-19 were rejected under 35 USC §112, second paragraph as being indefinite for use of the phrase "how to perform." This issue is now moot, since the claim language that was the basis for the rejection has been removed from the claims.

35 USC § 103 Issues

Claims 1-19 were rejected under 35 USC §103 as unpatentable in view of the combination of Torres (5,384,910) with Le Blanc (5,977,968).

The claim language has been clarified to recite the element of **"providing a control accessible by said user wherein said control is operable by said user to independently reconfigure the shape of said subsection of said graphical user interface in a plurality of user desired configurations in response to operation of said control by said user without supplying an input to said application program controlled by said graphical user interface"**. Furthermore, claim 1 has been amended to recite that a user can control an application program with the GUI.

The office action noted that the Torres reference fails to contemplate a control accessible by the user to independently reconfigure the shape of the subsection of the graphical user interface in a plurality of user desired configurations in response to operation of the control by the user. Rather, the office action relied on the Le Blanc reference for this aspect.

However, the LeBlanc reference fails to teach the remaining element of the claim **"without supplying an input to said application program controlled by said graphical user interface."** Rather, the Le Blanc reference discusses an input to an application program. The user provides an input to the application program which is reflected by a change in appearance of the graphical user interface, e.g., a change from a frown to a smiley face. At the same time, the application program responds to the input, e.g., the application program responds to the mood of the user as indicated by the input frown or smiley face. In contrast, claim 1 recites a claim directed at reconfiguring a GUI for use in controlling an application program. This allows the user to reconfigure the GUI to the user's desired configuration without causing any input to the

application program controlled by the GUI. Thus, the user can reconfigure the GUI to the desired characteristics (e.g., the appearance of an audio program skin) and then at a later time use the GUI to input signals to the application program (e.g., cause the audio program to change tracks).

Because the combination of the Torres and LeBlanc references fails to teach the elements of claim 1 as a whole, claim 1 is in condition for allowance.

Claim 2 has been amended to recite the element of **"providing a control accessible by said user wherein said control is operable by said user to independently reconfigure the shape of said subsection of said graphical user interface in a plurality of user desired configurations in response to operation of said control by said user without supplying an input to an application program controlled by said graphical user interface"**. Again, in accordance with the discussion of claim 1, the combination of Torres and LeBlanc fail to teach this element. Therefore, they fail to teach the elements of claim 2 as a whole, and claim 2 is in condition for allowance. Claims 3-13 depend from claim 2. Therefore, they are allowable for the same reasoning as that applied to claim 2.

Claim 14 has been amended to recite **"providing a control accessible by said user wherein said control is operable by said user to independently reconfigure the shape of said remainder of said graphical user interface in a plurality of user desired configurations in response to operation of said control by said user without supplying an input to an application program controlled by said graphical user interface."** Again, in accordance with the discussion of claim 1, the combination of Torres and LeBlanc fail to teach this element. Therefore, they fail to teach the elements of claim 14 as a whole, and claim 14 is in condition for allowance. Claims 15-18 depend from claim 14. Therefore, they are allowable for the same reasoning as that applied to claim 14.

Claim 19 has been amended to recite **"permitting a user to reconfigure said graphical user interface with said control while retaining said spatial properties of said subsection and without supplying an input to an application program controlled by said graphical user interface"**. Again, in accordance with the discussion of claim 1, the combination
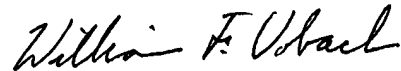
of Torres and LeBlanc fail to teach this element. Therefore, they fail to teach the elements of

claim 19 as a whole, and claim 19 is in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this

Application are in condition for allowance. It is respectfully requested that the claims be passed

to issue at the examiner's earliest convenience.

Respectfully submitted,

William F. Vobach
Reg. No. 39,411

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
WFV:klb
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